

Executive Summary – Enforcement Matter – Case No. 51029

City of Tenaha

RN101389039

Docket No. 2015-1156-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Tenaha PWS, located at the southwest corner of Main Street and Oak Street, Tenaha, Shelby County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 27, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$420

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$420

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 51029
City of Tenaha
RN101389039
Docket No. 2015-1156-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 29, 2015 through July 10, 2015

Date(s) of NOE(s): July 10, 2015

Violation Information

Failed to comply with the maximum contaminant level (“MCL”) of 0.080 milligrams per liter for total trihalomethanes (“TTHM”) based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the MCL for TTHM based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Orinthia Johnson, Mayor, City of Tenaha, P.O. Box 70, Tenaha, Texas 75974

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	13-Jul-2015	Screening	22-Jul-2015	EPA Due	30-Sep-2015
	PCW	31-Jul-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Tenaha
Reg. Ent. Ref. No.	RN101389039
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51029	No. of Violations	1
Docket No.	2015-1156-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jim Fisher
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$300

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 40.0% Enhancement **Subtotals 2, 3, & 7** \$120

Notes Enhancement for three NOV's with the same/similar violations and one agreed order without a denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$731
Estimated Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$420

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$420

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$420

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$420

Screening Date 22-Jul-2015

Docket No. 2015-1156-PWS-E

PCW

Respondent City of Tenaha

Policy Revision 4 (April 2014)

Case ID No. 51029

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101389039

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with the same/similar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 22-Jul-2015

Docket No. 2015-1156-PWS-E

PCW

Respondent City of Tenaha

Policy Revision 4 (April 2014)

Case ID No. 51029

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101389039

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, it was documented that the locational running annual average concentrations of TTHM for Disinfection Byproducts Stage 2 ("DBP2") were as follows:

	4th Quarter of 2014	1st Quarter of 2015	2nd Quarter of 2015
DPB2 Site 1	0.094 mg/L	0.134 mg/L	0.135 mg/L
DPB2 Site 2	0.097 mg/L	0.137 mg/L	0.139 mg/L

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

As a result of the exceedance, persons served by the Facility have been exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

272 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$300

Two annual events are recommended, one for each location.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$731

Violation Final Penalty Total \$420

This violation Final Assessed Penalty (adjusted for limits) \$420

Economic Benefit Worksheet

Respondent City of Tenaha
Case ID No. 51029
Reg. Ent. Reference No. RN101389039
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2014	31-Jan-2017	2.09	\$35	\$696	\$731
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to implement an alternative method of disinfection, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$731

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600338065, RN101389039, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600338065, City of Tenaha
Classification: SATISFACTORY **Rating:** 29.50
Regulated Entity: RN101389039, City of Tenaha
Classification: NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A
Repeat Violator: N/A
CH Group: 14 - Other
Location: Southwest corner of Main Street and Oak Street in Tenaha, Shelby County, Texas
TCEQ Region: REGION 10 - BEAUMONT
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2100002 **WATER LICENSING** LICENSE 2100002
Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014
Date Compliance History Report Prepared: July 22, 2015
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: July 22, 2010 to July 22, 2015
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Jim Fisher **Phone:** (512) 239-2537

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 04/07/2013 ADMINORDER 2012-1893-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on the running annual average.

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.): N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 12/16/2014 (1261935) CN600338065
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L at

7340 Hwy 59N (DBP2-01); and with a LRAA of 0.097 mg/L at 970 Hwy 84E (DBP2-02).

- 2 Date: 04/09/2015 (1261935) CN600338065
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.134 mg/L at 7340 Hwy 59N (DBP2-01); and with a LRAA of 0.137 mg/L at 970 Hwy 84E (DBP2-02).
- 3 Date: 06/25/2015 (1261935) CN600338065
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.139 mg/L at 970 Hwy 84E (DBP2-02); and with a LRAA of 0.135 mg/L at 7340 Hwy 59N (DBP2-01).

F. Environmental audits: N/A

G. Type of environmental management systems (EMSs): N/A

H. Voluntary on-site compliance assessment dates: N/A

I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance: N/A

Sites Outside of Texas: N/A

Component Appendices**Appendix A - All NOV's Issued During Component Period 7/22/2010 and 7/22/2015**

1	Date:	12/16/2010	(872602)	CN600338065	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)				
	Description:	Failure to have a sanitary control easement for Wells numbers 2, 3, and 4.				
				Classification:	Moderate	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)				
	Description:	Failure to have verification of American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60 for gas chlorine.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)				
	Description:	Failure to inspect the system's ground, elevated, and standpipe annually by water system personnel or a contracted inspection service.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)				
	Description:	Failure to maintain an up-to-date chemical and microbiological monitoring plan.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)				
	Description:	Failure to rotate routine distribution coliform samples which are representative of water quality throughout the distribution system.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)				
	Description:	Failure to have an accurate and up-to-date map of the distribution system.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)				
	Description:	Failure to have well meters calibrated at least once every three years for Well Nos. 2, 3, and 4.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)				
	Description:	Failure to post a legible sign of the name of the water supply and an emergency telephone number at the standpipe.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)				
	Description:	Failure to have an appropriate liquid level indicator on all potable water storages.				
				Classification:	Moderate	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)				
	Description:	Failure to maintain the concrete sealing block at Well No. 2.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)				
	Description:	Failure to house gas chlorine cylinders from adverse weather conditions and vandalism.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)				

Description: Failure to prevent excessive vegetation growth on the fences at Well numbers 2 and 4.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description: Failure to maintain the records of backflow prevention assembly devices.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to have an overflow accessible for inspection at the elevated storage tank.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to have a working well meter at Well No. 4.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failure to have a backflow prevention assembly where one is required.

2 Date: 08/28/2012 (1030244)

CN600338065

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on the running annual average.

3 Date: 03/05/2013 (1143863)

CN600338065

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

Description: TTHM DBP1 MCL PN 2Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 2nd quarter of 2012.

4 Date: 03/26/2013 (1143863)

CN600338065

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: TTHM DBP1 MCL PN 3Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 3rd quarter of 2012.

5 Date: 06/27/2013 (1143863)

CN600338065

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: TTHM DBP1 MCL PN 4Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 4th quarter of 2012.

6 Date: 07/01/2013 (1100257)

CN600338065

Classification: Moderate

Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)	
Description:	Failure to have a sanitary control easement for Wells numbers 2, 3, and 4.	
	Classification:	Minor
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)	
Description:	Failure to maintain an up-to-date chemical and microbiological monitoring plan.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)	
Description:	Failure to maintain the concrete sealing block at Well No. 2.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)	
Description:	Failure by the City of Tenaha to have operational records accessible for review during the investigation.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)	
Description:	Failure by the City of Tenaha to conduct annual tank inspections on the 80,000 gallon ground storage tank.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)	
Description:	Failure by the City of Tenaha to maintain records of customer complaints.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(i)	
Description:	Failure by the City of Tenaha to adopt a service agreement for new customers with provisions for proper enforcement to insure that neither cross connections nor other unacceptable practices are accepted.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)	
Description:	Failure by the City of Tenaha to maintain records of accuracy checks on the chlorine disinfectant analyzer.	
	Classification:	Minor
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)	
Description:	Failure by the City of Tenaha to have a bottle of fresh ammonia solution readily accessible outside of the chlorinator room and immediately available to the operator in the event of an emergency.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.39(l)	
Description:	Failure by the City of Tenaha to meet the contingency of a granted exception.	
	Classification:	Minor
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)	
Description:	Failure by the City of Tenaha to have maintenance and housekeeping practices that ensure the good working condition and general appearance of the system's facilities and equipment and to maintain the ground's and facilities in a manner that will minimize the possibility of the harboring of rodents, insects and other disease vectors.	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)	
Description:	Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids.	

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure by the City of Tenaha to maintain a gap less than 1/16th of an inch on the overflow of the standpipe.

7 Date: 08/21/2013 (1143863) CN600338065

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: APR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2013.

8* Date: 11/14/2013 (1143863) CN600338065

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.

9* Date: 06/23/2014 (1170063) CN600338065

Classification: Major

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure by the City of Tenaha to maintain the disinfection residual above 0.20 mg/L free chlorine throughout distribution.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure by the City of Tenaha to maintain records regarding when dead end mains are flushed.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
Description: Failure by the City of Tenaha to maintain records of the distribution disinfectant residuals.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)
Description: Failure by the City of Tenaha to maintain records of the amount of chemicals used daily.

10 Date: 12/16/2014 (1261935) CN600338065

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L at

7340 Hwy 59N (DBP2-01); and with a LRAA of 0.097 mg/L at 970 Hwy 84E (DBP2-02).

- 11 Date: 04/09/2015 (1261935) CN600338065
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.134 mg/L at 7340 Hwy 59N (DBP2-01); and with a LRAA of 0.137 mg/L at 970 Hwy 84E (DBP2-02).
- 12 Date: 06/25/2015 (1261935) CN600338065
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.139 mg/L at 970 Hwy 84E (DBP2-02); and with a LRAA of 0.135 mg/L at 7340 Hwy 59N (DBP2-01).

* NOV's applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B - All Investigations Conducted During Component Period July 22, 2010 and July 22, 2015

- (872602)
Item 1 December 20, 2010** For Informational Purposes Only
- (887002)
Item 2 January 10, 2011** For Informational Purposes Only
- (915430)
Item 3 June 20, 2011** For Informational Purposes Only
- (980944)
Item 4 February 21, 2012** For Informational Purposes Only
- (1030244)
Item 5 September 07, 2012** For Informational Purposes Only
- (1030579)
Item 6 September 13, 2012** For Informational Purposes Only
- (1086306)
Item 7 April 25, 2013** For Informational Purposes Only
- (1100257)
Item 8 July 01, 2013** For Informational Purposes Only
- (1143863)
Item 9 January 14, 2014** For Informational Purposes Only
- (1144095)
Item 10 January 23, 2014** For Informational Purposes Only
- (1151926)
Item 11 April 09, 2014** For Informational Purposes Only
- (1230078)
Item 12 March 23, 2015 For Informational Purposes Only
- (1261935)

Item 13	July 08, 2015	For Informational Purposes Only
		(1262014)
Item 14	July 10, 2015	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF TENAHA
RN101389039**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1156-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Tenaha (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at the southwest corner of Main Street and Oak Street in Tenaha, Shelby County, Texas (the "Facility") that has approximately 545 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from June 29, 2015 through July 10, 2015, TCEQ staff documented that the running annual average concentrations of total trihalomethanes ("TTHM") for Disinfection Byproducts Stage 2 ("DBP2") in milligrams per liter ("mg/L") were as follows:

	<u>4th Quarter of 2014</u>	<u>1st Quarter of 2015</u>	<u>2nd Quarter of 2015</u>
DPB2 Site 1	0.094 mg/L	0.134 mg/L	0.135 mg/L
DBP2 Site 2	0.097 mg/L	0.137 mg/L	0.139 mg/L

3. The Respondent received notice of the violations on July 15, 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant TO TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Four Hundred Twenty Dollars (\$420) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Four Hundred Twenty Dollar (\$420) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Hundred Twenty Dollars (\$420) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty

payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Tenaha, Docket No. 2015-1156-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

4/8/16
Date

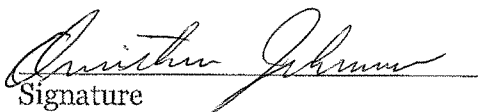
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Tenaha. I am authorized to agree to the attached Agreed Order on behalf of the City of Tenaha, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Tenaha waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

10-19-15
Date

Oriathia Johnson
Name (Printed or typed)
Authorized Representative of the
City of Tenaha

MAYOR
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.